



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,099	01/31/2002	Julian Enrique Pachon	CA108US	9939
34205	7590	05/25/2006		
OPPENHEIMER WOLFF & DONNELLY LLP 45 SOUTH SEVENTH STREET, SUITE 3300 MINNEAPOLIS, MN 55402				
			EXAMINER JEANTY, ROMAIN	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/062,099		PACHON ET AL.	
	Examiner		Art Unit	
	Romain Jeanty		3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office Action is in response to the communication received January 31, 2002. Claims 1- 31 are pending in the application.

Specification

2. The specification is objected to because the U.S. Patent Application Ser. No. is missing on page 1 line 4. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1, 16, 20-21, and 26 are objected to because of the following informalities: What does MIP mean. The Acronym "MIP" is not defined. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-10, 14-15, 17-19, 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites parameters PNH, ...NH,... PNA,PF,... PS*PBH, It is unclear what these parameters represent in the claims. Applicant is requested to define what these parameters represent and used for.

Claims 7-10, 14-15, 17-19, and 24-25 recite other similar parameters; therefore claims 7-10, 14-15, 17-19, and 24-25 are rejected under 35 USC 112 rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 11-13, 16, 20-23, 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu Gang et al “Yu” (Optimized Pilot Planning and Training at Continental Airlines) in view of Dialog (US Airways Flexes Muscle With New Pilot Contract, Plans for Low-Cost Unit).

As per claims 1 and 7, as best understood by the examiner, Yu discloses a user interface receiving input and user request (See entire page 374), a database having stored therein said input data and a current pilot training and transition plan (See entire page 374). Yu does not explicitly disclose a request to recall said furloughed pilots. Dialog in the same field of endeavor discloses the concept of furloughed pilots being recalled. Note entire page 1 of Dialog. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Yu to include furloughed pilots being recalled as evidenced by Dialog in order to keep the carrier's costs competitive with rival airlines.

Yu teaches all of the limitations above but Yu fails to explicitly teach an optimizer system in electrical communication with said user interface and said database for receiving said

Art Unit: 3623

user requests, said input data, and said current pilot training and transition plan for generating an MIP Model which includes, and rapidly solving said MIP Model to provide said multiple alternative pilot training and transition plans. However, it is old and well known in the art of programming to use MIP (Mixed Integral Programming) for generating a particular solution based upon this composite function, including. It would have been obvious to a person of ordinary skill in the art to use the well-known teaching of MIP (Mixed Integral Programming) in the teachings of Yu in order to minimize staffing, pay protection, training and hiring costs.

Regarding claims 2 and 3, the claimed features are standard practice of in pilots training and transition. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in order to minimize staffing, pay protection, training and hiring costs.

As per claim 5, Yu further discloses wherein said user requests include a user option to limit total percentage of pilots whose start bid periods for training assignments occur within a bid period of said current pilot training and transition plan, and of said pilots whose start bid periods for training assignments occur outside of said bid period. Note entire page 379.

As per claim 11, as best understood by the examiner, Yu discloses a user interface receiving input and user request (See entire page 374), a database having stored therein said input data and a current pilot training and transition plan (See entire page 374). Yu does not explicitly disclose a request to recall said furloughed pilots. Dialog in the same field of endeavor discloses the concept of furloughed pilots being recalled. Note entire page 1 of Dialog. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Yu to include furloughed pilots being recalled as evidenced by Dialog in order to keep the carrier's

Art Unit: 3623

costs competitive with rival airlines.

Yu teaches all of the limitations above but Yu fails to explicitly teach an optimizer system in electrical communication with said user interface and said database for receiving said user requests, said input data, and said current pilot training and transition plan for generating an MIP Model which includes, and rapidly solving said MIP Model to provide said multiple alternative pilot training and transition plans. However, it is old and well known in the art of programming to use MIP (Mixed Integral Programming) for generating a particular solution based upon this composite function, including. It would have been obvious to a person of ordinary skill in the art to use the well-known teaching of MIP (Mixed Integral Programming) in the teachings of Yu in order to minimize staffing, pay protection, training and hiring costs.

As per claim 12, Yu discloses wherein said limit applies to a percentage of pilots whose start bid periods for training assignments may deviate from a bid period of said current pilot training and transition plan. Note entire page 379.

As per claim 13, Yu further discloses wherein said limit applies to total percentage of pilots whose start bid period for training assignments may be changed to occur within a bid period of said current pilot training and transition plan, and of said pilots whose start bid period for training assignments may be changed to occur outside of said bid period. Note entire page 379.

As per claim 16, as best understood by the examiner, Yu discloses a user interface receiving input and user request (See entire page 374), a database having stored therein said input data and a current pilot training and transition plan (See entire page 374). Yu does not explicitly disclose a request to recall said furloughed pilots. Dialog in the same field of endeavor

Art Unit: 3623

discloses the concept of furloughed pilots being recalled. Note entire page 1 of Dialog. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Yu to include furloughed pilots being recalled as evidenced by Dialog in order to keep the carrier's costs competitive with rival airlines.

Yu teaches all of the limitations above but Yu fails to explicitly teach an optimizer system in electrical communication with said user interface and said database for receiving said user requests, said input data, and said current pilot training and transition plan for generating an MIP Model which includes, and rapidly solving said MIP Model to provide said multiple alternative pilot training and transition plans. However, it is old and well known in the art of programming to use MIP (Mixed Integral Programming) for generating a particular solution based upon this composite function, including. It would have been obvious to a person of ordinary skill in the art to use the well-known teaching of MIP (Mixed Integral Programming) in the teachings of Yu in order to minimize staffing, pay protection, training and hiring costs. Claims 20 and 21 are an optimizer system including a database for rapid generation of multiple alternative pilot training and transition plans that accommodate a recall of furloughed pilots for performing the steps of claim 1; therefore claim 20 and 21 are rejected under the same rationale relied upon of claim 1.

As per claim 22, Yu further discloses the optimizer system of claim 21, wherein said limit is applied to a percentage of pilots whose start bid periods for training assignments occur outside of said bid period. Note entire page 379

As per claim 23, Yu further discloses the optimizer system of claim 21, wherein said limit is applied to a total percentage of said furloughed pilots whose start date for training

Art Unit: 3623

assignments is changed to occur within said bid period, and of said furloughed pilots whose start date for training assignments is changed to occur outside of said bid period. Note entire page 379.

As per claims 26-27, 30-31, as best understood by the examiner, Yu discloses a user interface receiving input and user request (See entire page 374), a database having stored therein said input data and a current pilot training and transition plan (See entire page 374). Yu does not explicitly disclose a request to recall said furloughed pilots. Dialog in the same field of endeavor discloses the concept of furloughed pilots being recalled. Note entire page 1 of Dialog. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Yu to include furloughed pilots being recalled as evidenced by Dialog in order to keep the carrier's costs competitive with rival airlines.

Yu teaches all of the limitations above but Yu fails to explicitly teach an optimizer system in electrical communication with said user interface and said database for receiving said user requests, said input data, and said current pilot training and transition plan for generating an MIP Model which includes, and rapidly solving said MIP Model to provide said multiple alternative pilot training and transition plans. However, it is old and well known in the art of programming to use MIP (Mixed Integral Programming) for generating a particular solution based upon this composite function, including. It would have been obvious to a person of ordinary skill in the art to use the well-known teaching of MIP (Mixed Integral Programming) in the teachings of Yu in order to minimize staffing, pay protection, training and hiring costs.

As per claim 28, Yu further discloses the method of claim 26 wherein said limits include a limit to percentage of pilots whose start bid periods for training assignments occur outside of

Art Unit: 3623

said bid period. Note entire page 379.

As per claim 29, Yu further discloses the method of claim 26, wherein said limits include a limit to total percentage of said furloughed pilots whose start date for training assignments is changed to occur within said bid period, and of said furloughed pilots whose start date for training assignments is changed to occurs outside of said bid period. Note entire page 379.

Allowable Subject Matter

8. Claims 6-10, 14-15, 17-19, 24-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kurihara et al. (U.S. Patent 5,053,970) discloses an operation to produce a flight schedule for pilots to undergo the training on the ground at a fixed interval.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

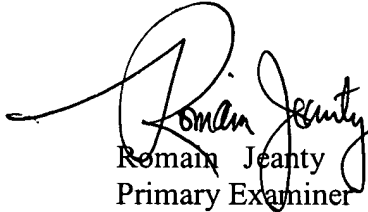
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

April 17, 2006



Romain Jeanty
Primary Examiner
Art Unit 3623